

## **REMARKS**

Applicants submit this Amendment in response to the non-final Office Action mailed May 16, 2006. Applicants respectfully traverse all pending objections and rejections and request reconsideration of the application, as amended.

Claims 25, 29-36, and 40-48 are pending. Applicants have amended claims 25, 29, 31-33, 36, 40, 42-44, and 46-47 to more appropriately define the invention. Applicants have canceled claims 26-28 and 37-39 without prejudice. Applicants have added new claim 48 to round out the protection for the present invention to which Applicants are entitled.

### **Rejections Under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 25, 27, 36, 38, 46, and 47 as being anticipated by U.S. Patent No. 5,117,495 to Liu ("Liu"). The Examiner has also objected to claims 26, 28-35, 37, and 39-45 as being dependent on a rejected base claim, but noted that "[t]he features of [these] objected claims are not taught or suggested in the prior art of record." Office Action, p. 3.

In this response, Applicants have amended independent claim 25 to incorporate the subject matter of dependent claims 26-28 and have canceled claims 26-28. Accordingly, Applicants respectfully submit that independent claim 25, as amended, is in condition for allowance for at least the reason that it includes, among other things, the allowable subject matter that the Examiner identified in claims 26 and 28.

Similarly, Applicants have amended independent claim 36 to incorporate the subject matter of dependent claims 37-39 and have canceled claims 37-39. As a result, Applicants respectfully submit that independent claim 36, as amended, is in condition

for allowance for at least the reason that it includes, among other things, the allowable subject matter that the Examiner identified in claims 37 and 39.

Claims 28-35 and 39-45 depend on independent claims 25 or 36 and are therefore allowable for at least the same reasons. Claims 46-48, although different in scope, recite language similar to independent claims 25 and 36 and are thus also allowable for at least the same reasons.

#### **Rejection Under 35 U.S.C. § 101**

The Examiner has rejected claim 47 because the Examiner believes that the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner noted that "Claim 47 is a computer program per se, not stored on a computer readable medium in executable form to enable it to cause a computer to perform a practical application with a useful, concrete and tangible result." Office Action, p. 3.

Applicants have amended claim 47 to recite, for example, a "computer-readable medium configured to store instructions for execution by a processor in a digital computer." As such, amended claim 47 does not claim a "computer program per se." Moreover, because the claimed computer-readable medium in claim 47 stores, among other things, "instructions including a software code portion for performing the method of claim 36 or any one of claims 40 to 45," the claimed computer-readable medium enables the digital computer to perform a practical application with a useful, concrete, and tangible result.

In view of the foregoing, Applicants respectfully submit that claim 47, as amended, is directed toward statutory subject matter. Accordingly, the pending 35 U.S.C. § 101 rejection of claim 47 should be removed.

### Conclusion

The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

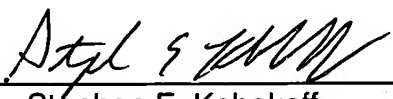
In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 16, 2006

By:   
Stephen E. Kabakoff  
Reg. No. 51,276  
(404) 653 6477